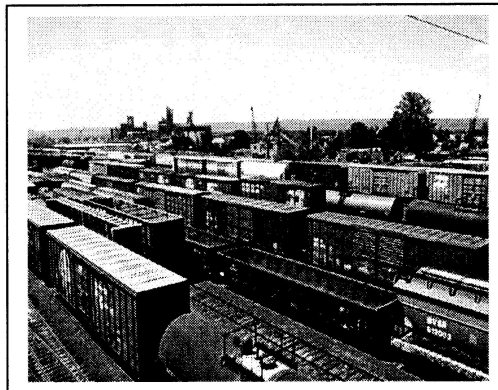


Federal Highway Administration

Record of Decision

for

Vancouver Rail Project Clark County, Washington



Decision

The Federal Highway Administration (FHWA) concurs with the Washington State Department of Transportation (WSDOT) in the designation of the Preferred Alternative, I, Option 1, as the Selected Alternative for improvements to the Burlington Northern and Santa Fe Railway's main line track improving the Amtrak *Cascades* Passenger Rail service and freight movement in Clark County, Washington.

Alternative I, Option 1 is identified as the environmentally preferable alternative which best protects and preserves community and natural resources.

This Record of Decision (ROD) is based on an evaluation of information presented in the Final Environmental Impact Statement (FEIS), the rail and highway needs of the project study area, and extensive interagency and public coordination. The ROD is being issued pursuant to 42 USC 4332(2) and 23 USC 128(a), in compliance with the National Environmental Policy Act and Council of Environmental Quality (CEQ) regulations issued under 40 CFR § 1500.

Additional basis for this decision is contained in the balance of this ROD document.

08/01/03

Date of Approval

Daniel M. Mathis

Daniel M. Mathis, P.E.
Division Administrator
Washington Division
Federal Highway
Administration

Record of Decision

Vancouver Rail Project

Project Purpose

The Washington State Department of Transportation is proposing to construct a rail bypass around The Burlington Northern and Santa Fe Railway Company's Vancouver yard, Vancouver, Clark County, Washington. The purpose of this bypass track and associated rail facilities is to eliminate freight rail congestion in this vicinity to ensure schedule reliability for the Amtrak *Cascades* passenger rail service. Another important component of this project is to eliminate the West 39th Street at-grade crossing, providing a safer rail/highway crossing.

Environmental Review and Issuance of the Final Environmental Impact Statement

The proposed improvements are described in the FEIS, FHWA-WA-EIS-02-01-D, approved on May 8, 2003, and issued on May 23, 2003. The Notice of Availability appeared in the Federal Register on May 23, 2003. Comments on the FEIS were requested by June 23, 2003. The FEIS and Section 4(f) Evaluation and all findings therein are incorporated in this Record of Decision (ROD) by reference.

The environmental documentation process for the project followed FHWA¹ regulations found in 23 CFR 771, and Council on Environmental Quality (CEQ) regulations found in 40 CFR §1500 - 1508. The DEIS and the Section 4(f) Evaluation, and all findings therein, are incorporated in this ROD by reference.

Selected Alternative I, Option 1

Alternative I, Option 1, as described in this ROD, was designated as the Preferred Alternative in the FEIS and becomes the Selected Alternative in this ROD. All references in this ROD to the Selected Alternative shall hereafter refer to the FEIS Preferred Alternative.

¹ In 1995 the Washington State Department of Transportation (WSDOT), the Federal Railroad Administration (FRA) and the Federal Highway Administration (FHWA) signed a Memorandum of Understanding (MOU) regarding the NEPA process, lead agency roles, and implementing actions related to the Washington State Rail Passenger Program. The FRA and FHWA were designated joint lead agencies and the parties were to jointly agree on the levels and scope of environmental documentation required to comply with their respective environmental regulations [23 CFR 771 and FRA's Environmental Procedures]. It was agreed that FHWA would coordinate with other Federal agencies with jurisdiction by law or special expertise. For the Vancouver Rail Project only, FRA chose to be a cooperating agency, with FHWA as the lead agency.

Does Not Restrict Meaningful Consideration of Other Nearby Reasonably Foreseeable Improvements with Independent Utility and Logical Termini

The proposed improvements allow for future planned improvements along the existing Burlington Northern and Santa Fe Railway Company's main line and rail yards. In addition, the proposed improvements do not restrict other planned or future improvements within the study area.

Alternatives Considered in the Final EIS

The FEIS examined the following alternatives:

- Alternative A (No Action Alternative)
- Alternative B, Option 1
- Alternative B, Option 2
- Alternative B, Option 3
- Alternative I, Option 1 (**Selected Alternative**)
- Alternative I, Option 2
- Alternative I, Option 3

Basis for Designation of the Selected Alternative

Alternative A (No Action)

No project would be implemented. Passenger trains would continue to be delayed. Safety issues at West 39th Street would continue. General freight track maintenance would continue.

Alternative A was not chosen as the Selected Alternative because:

- It does not meet the project purpose and need.
- It does not resolve the safety issues with the West 39th Street at-grade crossing and could potentially lead to an increased number of train-vehicle accidents.
- Implementation of the No Action Alternative would also compromise the future of passenger rail service along the Pacific Northwest Rail Corridor. With no improvement in the Vancouver rail yard area, freight trains would continue to block the main line. By the year 2020, movement through the yard for passenger trains would virtually be impossible. Schedule reliability of passenger rail service would be severely compromised.

Alternative B, Option 1 (Easterly Bypass; Vehicular Overpass)

This alternative consists of the construction of a double-track rail yard bypass east of the existing BNSF tracks. At its widest point (where it crosses West 39th Street), the bypass would be approximately 675 feet from the existing easternmost track. In addition, several yard tracks in the north end of the existing yard would be lengthened. A vehicular overpass with sidewalks for

pedestrians and bicyclists would be provided at West 39th Street, allowing closure of the at-grade crossing.

Alternative B, Option 1 was not chosen as the Selected Alternative because:

- Proximity to homes along the eastern portion of the study area; residents would experience increased noise and vibration impacts.
- Visual and physical buffers from homes along the eastern portion of the study area would be substantially eliminated.
- Community members strongly opposed this alternative.

Alternative B, Option 2 (Easterly Bypass; West 39th Street Closure)

This alternative consists of the construction of a double-track rail yard bypass east of the existing BNSF tracks. At its widest point (where it crosses West 39th Street), the bypass would be approximately 675 feet from the existing easternmost track.. In addition, several yard tracks in the north end of the existing yard would be lengthened. The at-grade crossing at West 39th Street would be closed.

Alternative B, Option 2 was not chosen as the Selected Alternative because:

- Proximity to homes along the eastern portion of the study area creates increased noise and vibration impacts.
- Visual and physical buffers from homes along the eastern portion of the study area would be substantially eliminated.
- Closure of West 39th Street could potentially cut off access to the western portion of the study area.
- Community members strongly opposed this alternative.

Alternative B, Option 3 (Easterly Bypass; Pedestrian/Bicycle Overpass)

This alternative consists of the construction of a double-track rail yard bypass east of the existing BNSF tracks. At its widest point (where it crosses West 39th Street), the bypass would be approximately 675 feet from the existing easternmost track. In addition, several yard tracks in the north end of the existing yard would be lengthened. A pedestrian/bicycle overpass at West 39th Street would be constructed, allowing closure of the at-grade crossing.

Alternative B, Option 3 was not chosen as the Selected Alternative because:

- Proximity to homes along the eastern portion of the study area creates increased noise and vibration impacts.
- Visual and physical buffers from homes along the eastern portion of the study area would be substantially eliminated.
- Closure of West 39th Street could potentially cut off access to the western portion of the study area.
- Analysis indicated that pedestrians and bicyclists would not utilize this facility enough to justify the extensive costs.
- Community members strongly opposed this alternative.

Alternative I, Option 1 (Westerly Bypass; Vehicular Overpass)

This alternative consists of the construction of a double-track rail yard bypass east of the existing BNSF tracks. At its widest point (where it crosses West 39th Street), the bypass is approximately 450 feet from the existing easternmost track. In addition, several yard tracks in the north end of the existing yard are lengthened. At West 39th Street, a vehicular overpass with sidewalks for pedestrians and bicyclists is provided, allowing closure of the existing at-grade crossing.

Alternative I, Option 1 was chosen as the Selected Alternative because it is the most desirable in terms of balancing functional efficiency and environmental, social, and economic impacts and:

- It meets the project's purpose and need.
- This alternative does not encroach on homes located along the eastern portion of the study area.
- Physical impacts are less.
- The overpass provides continued access and linkages for the neighborhoods in the study area.

Alternative I, Option 2 (Westerly Bypass; West 39th Street Closure)

This alternative consists of the construction of a double-track rail yard bypass east of the existing BNSF tracks. At its widest point (where it crosses West 39th Street), the bypass would be approximately 450 feet from the existing easternmost track. In addition, several yard tracks in the north end of the existing yard would be lengthened. The at-grade crossing at West 39th Street would be closed, eliminating all existing access provided at this location.

Alternative I, Option 2 was not chosen as the Selected Alternative because:

- Closure of West 39th Street could potentially cut off access to the western portion of the study area.
- Community members strongly opposed this alternative.

Alternative I, Option 3 (Westerly Bypass; Pedestrian/Bicycle Overpass)

This alternative consists of the construction of a double-track rail yard bypass east of the existing BNSF tracks. At its widest point (where it crosses West 39th Street), the bypass would be approximately 450 feet from the existing easternmost track. In addition, several yard tracks in the north end of the existing yard would be lengthened. A pedestrian and bicycle overpass with no vehicular access would replace the existing West 39th Street at-grade crossing, allowing its closure. Initial conceptual cost estimates for this alternative were approximately \$52 million.

Alternative I, Option 3 was not chosen as the Selected Alternative because:

- Closure of West 39th Street could potentially cut off access to the western portion of the study area.
- Analysis indicated that pedestrians and bicyclists would not utilize this facility enough to justify the extensive costs.
- Community members strongly opposed this alternative.

Section 4(f) Evaluation

The final Section 4(f) Evaluation is included in Chapter 9 of the Final EIS, and is incorporated here by reference. Consistent with 23 CFR Section 771.135, the FHWA has made a determination that the Selected Alternative incorporates all possible planning to minimize harm to the Section 4(f) land and resources to the extent allowable, based on the level of detail available for the Final EIS. Furthermore, this determination finds that there are no feasible and prudent locations or alternatives for the action to avoid the use of Section 4(f) land and resources; and no other feasible and prudent alternative is more effective in minimizing potential harm to Section 4(f) resources. Details regarding the effects to Section 4(f) resources, the proposed mitigation to offset and minimize those effects, and concurrence from all relevant local jurisdictions is included in Chapter 9 and the associated Section 4(f) Appendix.

Continual coordination with the Vancouver-Clark Parks and Recreation Department occurred during development. Future designs will minimize impacts to Heathergate Ridge and the Vancouver Lake Park Parcel and incorporate appropriate mitigation as agreed upon by the jurisdictional authority.

Based on the determination that there are no prudent and feasible alternatives that avoid the historic home at 1901 N.W. 69th Circle, WSDOT, FHWA, and the State Historic and Preservation Office – as part of the Sections 106 and 4(f) processes -- completed a Memorandum of Agreement (MOA) that includes measures that wholly or in part mitigate the adverse effects on the historic property. The MOA is contained in the FEIS, and is hereby

incorporated by reference. MOA mitigation commitments include: historic property documentation, noise barrier installation, and landscaping design elements. Future project development activities will involve coordination between SHPO and the property owner.

Measures to Minimize Harm

The Selected Alternative I, Option 1 incorporates all practicable measures to minimize environmental harm. Implementation of the Selected Alternative includes all mitigation measures identified in Chapter 5 of the FEIS, which are herein incorporated by reference.

Determinations and Findings

The environmental record for the Vancouver Rail Project includes the previously referenced Draft and Final Environmental Impact Statements and Section 4(f) Evaluations (February 2002 and May 2003, respectively). These documents, incorporated here by reference, constitute the statements required by NEPA and 49 U.S.C. Section 5324 (b).

FHWA has determined in accordance with U.S.C. Section 5324 (b), CEQ regulations under 40 CFR §1500, and NEPA that fair consideration has been given to the preservation and enhancement of the environment and to the interest of the communities in which the project is located; and all reasonable steps will be taken to minimize adverse environmental effects by the Selected Alternative.

Environmental Justice

The Environmental Justice analysis, included in Chapter 5 of the Final EIS, concludes that there will be no high and/or adverse human health or environmental effects instituted disproportionately on minority or low-income populations from the Selected Alternative.

Air Quality Conformity

The project area is located in an attainment area for the national ambient air quality standards associated with transportation, which include exemptions for certain railroad improvements; therefore, conformity regulations are satisfied.

Noise and Vibration

Based on the FTA general noise analysis methodology, project-related noise levels are predicted to exceed the calculated impact thresholds at two receptors. Noise barrier feasibility was confirmed at the site near NW 69th Circle and Whitney Lane. Options and type will be examined further during final design.

Using the FTA general vibration analysis methodology on the Selected Alternative, impacts occur within 50 feet of one residence. Mitigation options will be evaluated during final design, with consideration for railroad safety standards and material benefit/cost analysis.

Endangered Species Act (ESA)

The Endangered Species Act of 1973, as amended (ESA), intends to protect threatened and endangered species and minimize or avoid direct mortality, destruction, or adverse modification of critical habitat of listed species.

A Biological Assessment for the project (WSDOT March 2003 and April 2003) was submitted to the affected Federal resource agencies (NOAA Fisheries and US Fish & Wildlife Service), with the informal consultation process completed in April 2003. The Biological Assessment is incorporated here by reference. NOAA Fisheries concurred with the WSDOT effect determination that the project “may affect, but is not likely to adversely affect” Puget Sound Chinook salmon, thus concluding the informal consultation process for the Selected Alternative in accordance with 50 CFR 402.14 (b)(1) (NOAA Fisheries, April 7, 2003). USFWS concurred with the WSDOT effect determination that the project “may affect, but is not likely to affect” the bald eagle or the bull trout, thus concluding the consultation process in accordance with 50 CFR 402.13 (USFWS, April 21, 2003).

Section 106

Section 106 of the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800, requires the review of federally assisted projects for impacts to districts, sites, buildings, structures, and objects listed in, or eligible for inclusion in, the National Register of Historic Places (NRHP). FHWA and WSDOT submitted a completed Historic and Archaeological Report (December 2001) and an Addendum Cultural Resources Report (September 2002) to the Washington State Historic Preservation Officer (SHPO) for concurrence. The SHPO concurrence letters (December 2001 and September 2002) state agreement with one historic property as an NRHP-eligible resource, and no known state or NRHP-listed historic properties located in the Area of Potential Effect (APE).

A Memorandum of Agreement containing stipulations for adverse effects to the NRHP-eligible historic property was completed by SHPO, FHWA, and WSDOT in February 2003.

Wetlands

The United States Department of Transportation seeks to assure the protection, preservation, and enhancement of the nation’s wetlands to the fullest extent practicable during the planning, construction and operation of transportation facilities and projects (DOT Order 5660.1A; Executive Order 11990). No wetlands will be impacted as a result of this project.